



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

2006 MAR 22 AM 8:38

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: CWA-08-2006-0021

IN THE MATTER OF:

HONE OIL CO., INC.

RESPONDENT

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FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Expedited Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Expedited Consent Agreement, effective immediately upon receipt by Respondents of this Expedited Consent Agreement and Final Order.

March 21, 2006  
DATE

Carol A. LeBoo  
Carol A. LeBoo, Acting  
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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FILED  
EPA REGION VIII  
HEARING CLERK

In the Matter of:

Hone Oil Company, Inc.

Respondent.

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**EXPEDITED CONSENT AGREEMENT**

**DOCKET NO.: CWA-08-2006-0021**

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Hone Oil Company, Inc. by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasures (SPCC) Plan regulations found during an inspection on June 14, 2005, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates a bulk distribution facility for diesel fuel, gasoline and kerosene, Hone Oil Company, located at 2004 Wall Avenue, Ogden, Utah.

Respondent admits its facility is subject to the SPCC regulations.

Respondent agrees to correct the items cited on the attached List of SPCC Violations within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion. Respondent agrees to send a copy of the revised Plan to the person named below.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$450.00 which shall be paid by sending, via certified mail, a cashier's or certified check for that amount, payable to "Oil Spill Liability Trust Fund" along with a signed copy of this agreement, to:

Jane Nakad  
Technical Enforcement Program (8ENF-UFO)  
USEPA Region 8  
999 18th Street, Suite 300  
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VIII,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By: Elisabeth Evans  
Elisabeth Evans, Director  
Technical Enforcement Program

Date: 3/16/06

Hone Oil Company, Inc., Respondent.

By: John Richardson  
Name: John Richardson

Date: 3/14/06

Title: President

**LIST OF SPCC VIOLATIONS**  
**Hone Oil Company**

The SPCC Plan had the following violations:

Management approval not signed in violation of 40 C.F.R. § 112.7.

Inadequate prediction of discharges in violation of 40 C.F.R. § 112.7(b). Only one type of failure mode for tanks.

Inadequate written procedures for inspections and tests in violation of 40 C.F.R. § 112.7(e). Lacks procedures to inspect tank foundations, the underground tank, and no signature line on the AST inspection form.

No signature on the Substantial Harm Certification in violation of 40 C.F.R. § 112.20(e).

The following technical violations were found during the inspection:

Inadequate containment for a storage tank in violation of 40 C.F.R. § 112.8(c)(2). Please provide photos of this containment area that was constructed in July 2005.

Inadequate containment for 55 gallon drums in violation of 40 C.F.R. § 112.8(c)(11). Please provide photos of this containment area that was constructed in July 2005.

In addition to the above violations which have been requirements of the SPCC since 1974, in order to meet the revised rule of July 17, 2002, the SPCC Plan must be revised to include transfer piping on the facility diagram per 40 C.F.R. § 112.7(a)(3).

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter **HONE OIL CO., INC., DOCKET NO.:** **CWA-08-2006-0021** was filed with the Regional Hearing Clerk on March 22, 2006.


Further, the undersigned certifies that a true and correct copy of the document was delivered to Mike Risner, Enforcement Attorney, U. S. EPA – Region 8, 999 18<sup>th</sup> Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on March 22, 2006, to:

Mr. John Richardson  
Hone Oil Co., Inc.  
2004 Wall Avenue  
Ogden, UT 84003-0316

And:

Commander – National Pollution Funds Center  
U. S. Coast Guard  
Finance Center (OGR)  
1430 A Kristina Way  
Chesapeake, VA 23326

March 22, 2006

  
Tina Artemis  
Regional Hearing Clerk



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